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January 31, 2007

**VIA HAND DELIVERY**

The Honorable Patti B. Saris  
 United State District Court for the District of Massachusetts  
 John Joseph Moakley Courthouse  
 1 Courthouse Way  
 Boston, MA 02210

Re: Posey's Objections to Declaration of Edward L. Goodwin [D.N. 204], Civ. 05-10917  
 Our File: 2820/502

Your Honor:

While Plaintiff The HipSaver Company, Inc. ("HipSaver") does not want to burden the court with unnecessary filings, we seek the Court's direction as to the appropriate response, if any, to an extraneous filing by Posey. *See* D.N. 204, Posey's Objections to Declarations of Edward L. Goodwin.

We note that in filing these Objections, Posey did not move to strike Mr. Goodwin's Declaration and did not request any particular action from the court. Furthermore, the filing was not in the form of a motion nor filed in any other permissible form, as Posey did not request leave of court. Accordingly, HipSaver believes that Posey's Objections are not appropriately before this Court. In fact, HipSaver views these Objections as a straw which, at best, is an effort to create the appearance of disputed facts but, in any event, should not distract the court from the fundamental Summary Judgment issues.

HipSaver will be prepared to respond to these Objections at the summary judgment hearing. However, should the Court desire, HipSaver will prepare papers responding to these Objections.

Thank you for your kind attention to this matter.

Sincerely,

*Courtney M. Quish*  
 Courtney M. Quish

CMQ/jo

cc: Doug Morseburg, Esq.

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